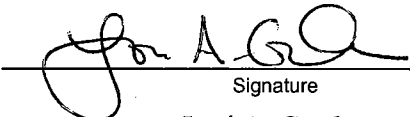


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PTO/SB/33 (07-05)

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| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>   |  | Docket Number (Optional)<br><br>2875.0370001 |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br><br>on _____<br><br>Signature _____<br><br>Typed or printed name _____  | Application Number<br><br>10/617,465   | Filed<br><br>July 11, 2003                   |
|  | First Named Inventor<br><br>Mark L. Buer   |  |
|  | Art Unit<br><br>2136   | Examiner<br><br>Johnson, Carlton             |
|  | Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.<br><br>This request is being filed with a notice of appeal.<br><br>The review is requested for the reason(s) stated on the attached sheet(s).<br>Note: No more than five (5) pages may be provided. |  |
| <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br/>(Form PTO/SB/96)</p><p><input type="checkbox"/> attorney or agent of record.<br/>Registration number _____</p><p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34 <u>50,633</u></p></div><div style="width: 50%; text-align: center;"><br/>_____<br/>Signature<br/>Lori A. Gordon<br/>_____<br/>Typed or printed name<br/>(202) 371-2600<br/>_____<br/>Telephone number<br/>December 26, 2007<br/>_____<br/>Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> |  |  |
| <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>   |  |  |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BUER *et al.*

Application No.: 10/617,465

Filed: July 11, 2003

For: **Security Association Updates In a  
Packet Load-Balanced System**

Confirmation No.: 5029

Art Unit: 2136

Examiner: Johnson, Carlton

Atty. Docket: 2875.0370001

**Arguments to Accompany the Pre-Appeal Brief Request for Review**

***Mail Stop: AF***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit the following Arguments, in five (5) or less total pages, as attachment to the Pre-Appeal Brief Request for Review Form (PTO/SB/33). A Notice of Appeal is concurrently filed.

***Arguments***

Applicants' arguments in the Amendment and Reply under 37 C.F.R. §1.111 filed on April 27, 2007 (hereinafter "Reply"), were not properly considered or responded to by the Examiner in the final Office Action mailed July 25, 2007 (hereinafter the "Final Office Action"). In the Final Office Action, independent claims 1, 14, 28, and 39 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Noehring, et al, U.S. Patent Publication 20020188839 (Noehring). The Examiner's response was legally and factually deficient because the Examiner failed to show that the cited reference taught each and every feature of independent claims 1, 14, 28, and 39.

For a rejection to be legally adequate under 35 U.S.C. § 102, every claim feature must be taught in a single reference. *Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996). The absence of any claimed feature from the reference

negates anticipation. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984). Noehring does not teach each and every feature of independent claims 1, 14, 28, and 39.

The method for retrieval of security association information in Noehring is significantly different than the methods recited in independent claims 1, 14, and 39. In Noehring, the network processor 130 performs a security policy look-up to obtain a security association database (SAD) entry address for a packet. (Noehring, ¶¶ [0047], [0051]). The SAD entry address is prepended to the packet and sent to the pre-crypto packet processing system 142. (Noehring, ¶ [0052]). The received packet is then assigned to a channel (i.e., a processing thread of the crypto core engine) by the pre-crypto packet processing system 142. (Noehring, ¶¶ [0033], [0039]). A least busy channel is preferably selected based on an amount of buffer space available for that channel in the external memory. (Noehring, ¶ [0033]). The pre-crypto packet processing system 142 also reads a SAD entry into a local buffer using the SAD entry address prepended to the packet. (Noehring, ¶ [0053]). The SAD entry is then verified by comparing the SAD entry address prepended to the data packet with valid SAD addresses. (Noehring, ¶ [0054]). As described in Noehring, each received packet is directly associated with a specific SAD entry.

In contrast, Applicants' claimed invention classifies each packet into an established flow and then associates the packet with security association information associated with the flow. Applicants' independent claims 1 and 14 recite:

receiving a security association handle for each packet in the plurality of packets, wherein the security association handle includes a set of selectors;

for each packet, identifying a flow entry for the packet, including:

determining a flow element address for the packet,  
retrieving a first flow element using the flow element address, wherein the first flow element includes a plurality of flow entries,  
determining whether a selector in the set of security association handle selectors is present in one of the plurality of flow entries, and  
retrieving a second flow element if a selector in the set of security association handle selectors is not present in one of the plurality of flow entries;  
retrieving security association information for each packet using the identified flow entry

Applicants' independent claim 39 recites:

receiving a security association handle for a packet, wherein the security association handle includes a set of selectors;  
determining a flow element address for the packet,  
retrieving a first flow element using the flow element address, wherein the first flow element includes a plurality of flow entries,  
identifying a flow entry having a selector matching a selector in the set of security association handle selectors;  
retrieving security association information for each packet using the identified flow entry

Noehring does not first classify a received packet into an established flow and then associate the packet with security association information associated with the flow. As discussed above, Noehring assigns a packet to a channel. However, Noehring does not teach or suggest that a channel is associated with a flow. Furthermore, the channel in Noehring is assigned after the SAD entry address is determined for a packet. Accordingly, Noehring does not teach or suggest each and every feature of independent claims 1, 14, and 39.

In Noehring, the network processor 130 performs a security policy look-up to obtain a SAD entry address for a packet. (Noehring, ¶¶ [0047], [0051]). Thus, the network processor 130 in Noehring directly associates a packet with a SAD entry

address. Accordingly, Noehring does not teach or suggest a cryptographic processing module including:

a policy lookup unit configured to identify a flow associated with each of the received plurality of packets and to retrieve a security association for each identified flow;

as recited in Applicants' independent claim 28.

Based on the above, Applicants respectfully request that the rejection of independent claims 1, 14, 28, and 39 as anticipated by Noehring be reconsidered and withdrawn. Accordingly, Applicants respectfully request the rejection of dependent claims 2-4, 6, 15-17, 19, 29, 32-38, and 40-42 be withdrawn as well.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: December 26, 2007

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